

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

RENEE KELLOGG, Individually and as
Special Administrator of the Estate of
RICHARD L. BROWN, deceased

Plaintiff,

vs.

UNITED STATES OF AMERICA, ex rel.,
VETERANS ADMINISTRATION MEDICAL
CENTER,

Defendants.

Case No. CIV-18-145-W

COMPLAINT

JURY TRIAL DEMANDED

COMES NOW the Plaintiff, Renee Kellogg, individually and as Special Administrator of the Estate of Richard L. Brown, deceased, by and through counsel, and for her cause of action against the Defendant United States of America alleges and states as follows:

1. Richard L. Brown, deceased, at all relevant times was a resident of Oklahoma County, State of Oklahoma.

2. The Defendant is the United States of America as the operating entity of the Veterans Administration Medical Center. Therefore, jurisdiction is proper pursuant to 28 U.S.C. § 1346 (B)(1).

3. The acts complained of herein occurred at the Department of Veterans Affairs, Oklahoma City, Veterans Administration Medical Center, within the Western District of Oklahoma. The acts and failures to act complained of herein were committed by the employees of the Oklahoma City Veterans Administration Medical Center. Beginning December 3, 2014, the Defendant, the United States of America, by and through the Department of Veterans Affairs through its employees and agents employed at the Oklahoma City Veterans Administration Medical Center, negligently failed to diagnose decedent's lung cancer.

4. A lung x-ray was performed in December of 2014 where a doctor noted two small spots on decedent's right lung. Decedent was told not to be concerned with the spots.

5. In July of 2015, lung films were again performed and decedent was informed at this point the spots had grown to stage 4 cancer.

6. In September of 2015, the decedent underwent surgery where they removed the lower lobe of his right lung and proceeded with chemotherapy from October 2015 through January 2016.

7. On February 27, 2017, the decedent passed away and the cause of death was listed as "metastatic adenocarcinoma of lung."

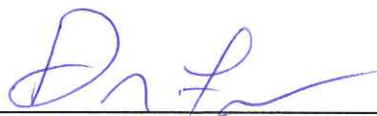
8. As a result of Defendant's negligence, Plaintiff is pursuing a claim against the United States for money damages for personal injury and wrongful death caused by the negligent acts and omissions of the employees of the United States while acting within the scope of their employment while providing care to Richard Brown, decedent, at the Oklahoma City Veterans Administration Medical Center.

9. Plaintiff served her Governmental Tort Claim Notice on May 17, 2017. The statutory period has passed, allowing Plaintiff to pursue a lawsuit.

10. Plaintiff requests damages for the wrongful death of Richard Brown, emotional pain and suffering, physical pain and suffering, medical treatment incurred, expenses incurred and the grief and sorrow of the family members. Plaintiff pleads that these damages are in an amount in excess of \$75,000.00.

WHEREFORE, based on the foregoing, Plaintiff requests that this Court award damages for the above described injuries and all other damages recoverable under the law.

Respectfully submitted,
WALSH & WALSH, P.L.L.C.



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